



Introduction to the Federal Advisory Committee Act

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- Pub.L. 92-463, signed into law October 6, 1972, revised in 1993, 1997, 1998, 2007, 2008 and 2010
- The law formalized a process for establishing, operating, overseeing, and terminating advisory bodies and created the Committee Management Secretariat to monitor compliance with the Act.
- General Services Administration (GSA) oversees about 1000 Federal Advisory Committees
- Information about the committees: their objectives, members, budgets, meetings and reports are in the
FACA public database: <http://fido.gov/facadatabase/>
- Advisory Committee members names and organizational affiliation are public, but contact information is not released

- **Expire every 2 years**
- **Current charters were approved by GSA and signed July 28, 2010**
- **Briefly defines cost, management, responsibilities, structure, to whom the committee reports, and the DFO**
- **Committee Chair and Vice-Chair will be appointed by the Secretary**

- Advise the Secretary of Energy on the development and implementation of programs in legislation
- The committee does not provide recommendations to other bodies or the press
- Committee members can not speak in an official capacity outside committee meetings
 - Members are free to talk to Congress and Administration officials on personal matters outside the committee
- Comment on the draft Annual Plan submitted by RPSEA
- The committee does not review proposals submitted under RPSEA solicitations
- Committee members will not receive compensation, but will be reimbursed for travel expenses as allowed by Government regulations

- **Oil and Gas Program Designated Federal Official (DFO)**
 - Deputy Assistant Secretary Christopher A. Smith
- **DFO Responsibilities**
 - Call, attend, and adjourn committee meetings
 - Approve agendas
 - Maintain required records on costs and membership
 - Ensure efficient operations
 - Maintain records for availability to the public
- **Committee Manager, Elena Melchert**
 - Supports DFO in carrying out responsibilities

- **GSA Requirements:**
 - **Balanced in terms of points of view represented**
- **Administration Requirement:**
 - **No Federally Registered Lobbyists may be appointed**
- **RPSEA board members, officers and employees may not be members**
- **EPAAct specifies additional requirements for two Section 999 advisory committees**
 - **Ultra-Deepwater Advisory Committee**
 - **Unconventional Resources Technology Advisory Committee**

- **Ultra-Deepwater Advisory Committee membership includes:**
 - Individuals with extensive research experience or occupational knowledge of offshore E&P
 - Individuals representative of the affected interests in ultra-deepwater, including environmental protection and safe operations
- **Unconventional Resources Technology Advisory Committee membership includes:**
 - A majority of members are to be employees or representatives of independent producers of natural gas and other petroleum
 - Individuals with extensive research experience or occupational knowledge of unconventional natural gas and other petroleum resource E&P
 - Individuals representative of the affected interests in unconventional natural gas and other petroleum resource E&P, including environmental protection and safe operations
 - Geographically balanced relative to natural gas producing areas

- GSA prefers advisory committee members to all be *special Government employees (SGE)* – experts who meet strict requirements limiting financial interests in energy companies
 - SGE's must file an annual confidential financial disclosure
 - SGE's are required to take an annual ethics course
- DOE and GSA allow the Section 999 committees to have *Representative* members because:
 - EAct requires individuals *representative* of affected interests, such as environmental protection
 - EAct requirements for members who are employees of independent producers are inconsistent with the SGE financial limitations
- All committee members, SGE and Representative, are required to avoid any conflict of interest
- SGEs present their own opinions as experts for the Government and may not represent the opinions of others
- Representative members represent the opinion of the group or class they represent, and may not present their own opinion

- **Meetings must be open to the public and accessible**
 - Exceptions for personnel and confidential data discussions
- **Meetings may be in person or by telephone or computer conferencing**
- **Federal Register Announcement of time, location and agenda is required for all meetings**
 - Published at least 15 days before the meeting
 - Rules also apply to telephone or computer meetings
- **Minutes of the meetings must be made public**
 - Available at the DOE Freedom of Information office/web site
 - Available at FACA public database: <http://fido.gov/facadatabase/>
- **Subcommittee meetings are not covered by these requirements**
 - This is because subcommittees report to the committees, not directly to the Secretary

- **Member appointments start with the date of first meeting after the Secretary's letters of invitation are signed**
- **Appointments are for two years and can be renewed**
- **Planned meetings:**
 - **September 2010, Houston**
 - UDAC, September 8; URTAC, September 9
 - **October 2010, New Orleans**
 - UDAC, October 13; URTAC, October 14
 - **October 2010 (teleconference)**
 - October 21, UDAC at 10:00 am EDT, URTAC at 1:00 pm EDT

- Subcommittee meetings are not bound by FACA rule
- Existing Subcommittees:
 - UDAC
 - Portfolio Subcommittee
 - Process Subcommittee
 - URTAC
 - Portfolio Subcommittee

Questions?



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